



**MILPITAS CITY COUNCIL MEETING AGENDA
DECEMBER 5, 2006**

**6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)
455 E. CALAVERAS BOULEVARD**

SUMMARY OF CONTENTS

- I. CALL TO ORDER & ROLL CALL (6:00 p.m.)**
 - II. ADJOURN TO CLOSED SESSION**
 - 1) CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**
(Pursuant to CA Government Code §54957.6) City Negotiator: Carmen Valdez
Milpitas Mid Management/Confidential (LIUNA)
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
 - 2) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Pursuant to CA Government Code §54956.9(a))
Torrez vs. City of Milpitas, ABAG Claim No. GL057945
 - 3) PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT**
(Pursuant to CA Government Code §54957) Title: City Manager
 - III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Government Code §54957.1, including the vote on abstention of each member present**
 - IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
 - V. INVOCATION (Councilmember Livengood)**
 - VI. APPROVAL OF MINUTES (November 21, 2006)**
 - VII. RESOLUTION - ELECTION RESULTS OF NOVEMBER 7, 2006**
 - VIII. SWEARING-IN CEREMONY FOR NEWLY ELECTED OFFICIALS**
 - **Councilmember Armando Gomez**
 - **Councilmember Althea Polanski**
 - **Mayor Jose Esteves**
- There will be a break at this time for a reception and refreshments for the re-elected Mayor and Councilmembers. The Council will reconvene after the recess for continued business meeting.*
- IX. ELECTION OF VICE MAYOR**
 - X. SCHEDULE OF MEETINGS**
 - XI. PUBLIC FORUM**

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks

to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

XII. ANNOUNCEMENTS

XIII. ANNOUNCEMENT OF CONFLICT OF INTEREST

XIV. APPROVAL OF AGENDA

XV. CONSENT CALENDAR (Items with Asterisks)

XVI. PUBLIC HEARINGS

- 1. General Plan Amendment No. GP2005-2, Zone Change No. GP2005-2, Zone Change ZC2005-1, and Environmental Impact Assessment No. EA2006-9 (Staff Contact: Dennis Carrington, 586-3275)**
- 2. Major Vesting Tentative Map No. MA2006-4, Milpitas Town Center (Staff Contact: Dennis Carrington, 586-3275)**

XVII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor/Chair

RA2. Roll Call

RA3. Approval of Minutes (November 21, 2006)

RA4. Approval of Agenda and Consent Calendar

***RA5. Approve Change Order: Soil Remediation and Site Preparation, Project No. 8154 (Staff Contact: Jorge Bermudez, 586-3404)**

***RA6. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals: Midtown North Main Street Streetscape Improvement Project, Phase 1, Project No. 8165, (Staff Contact: Steve Erickson, 586-3414)**

RA7. Agency Adjournment

XVIII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

- 3. Discussion of Future Councilmembers' Workshop (Contact: Mayor Esteves, 586-3029)**
- 4. Approve Mayor's Recommendation for \$500 Donation to Christian Record Services for Support for Camp for Blind Children (Contact: Mayor Esteves, 586-3029)**
- 5. Status Report on Alviso Adobe (Contact: Councilmember Livengood, 586-3000)**

Arts Commission

- * 6. Approve Cultural Arts Support Program Changes (Staff Contact: Renee Lorentzen, 586-3286)

Facilities Naming Subcommittee

- * 7. Approve Recommendation from the Facilities Naming Subcommittee to Add a Veteran Name to the Potential Streets Names List (Staff Contact: Mark Rogge, 586-3403)

Sister Cities Commission

- * 8. Approve Revisions to Sister Cities Commission Bylaws to Clarify Commissioner Responsibilities (Staff Contact: Cindy Maxwell, 586-3287)

Transportation Subcommittee

- * 9. Direct Staff to Study Carlo Street Reopening at Abel Street and Calaveras Boulevard (Staff Contact: Jaime Rodriguez, 586-3335)

XIX. NEW BUSINESS

- 10. Receive Preschool Program Update, Programming Options and Provide Staff Direction (Staff Contact: Bonnie Greiner, 586-3227)
- * 11. Approval of New Banner Program Installation in January 2007 (Staff Contact: Diana Whitecar, 586-3059)
- * 12. Approve Budget Appropriation to the Santa Clara County Partnership for School Readiness (Staff Contact: Toby Librande, 586-3203)

XX. RESOLUTIONS

- 13. Adopt Resolution Approving Memorandum of Understanding with Milpitas Professional And Technical Group (ProTech) (Staff Contact: Carmen Valdez, 586-3086)
- * 14. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for January 2, 2007, to Hear Objections (Staff Contact: Patti Joki, 586-3370)

XXI. BIDS AND CONTRACTS

- * 15. Reject Low Bid and Award Construction Contract to Second Responsible Bid From Anderson Pacific Engineering Construction, Inc., for the Main Sewage Pump Station, Project No. 6103 (Staff Contact: Greg Armendariz, 586-3317)

XXII. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, DECEMBER 19, 2006, AT 7:00 P.M.**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT

ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN
GOVERNMENT COMMISSION

at the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

E-mail: rpioroda@ci.milpitas.ca.gov / Fax: 408-586-3030 / Phone: 408-586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website www.ci.milpitas.ca.gov, select Open Government Ordinance under News Features.

BECOME A CITY COMMISSIONER!

Currently, there are openings on the following Commissions:

Citizens Emergency Preparedness Advisory Commission

Economic Development Commission (Hotel Rep)

Mobile Home Park Rental Review Board

Planning Commission

Recycling and Source Reduction Advisory Commission (Alternate)

Sister Cities Commission (Alternate)

Applications are available online at www.ci.milpitas.ca.gov or outside the City Council Chambers.

Contact the City Clerk's Office (586-3003) for information.

AGENDA REPORTS

VII. RESOLUTION - ELECTION RESULTS OF NOVEMBER 7, 2006

Background: A general municipal election was held in the City of Milpitas on Tuesday, November 7, 2006 for the offices of Mayor and two Members of the City Council. Election night results (semi-official) indicated the winners were Mayor Esteves and Councilmembers Gomez and Polanski. Certified final results, however, are not available from the Santa Clara County Registrar of Voters until 28 days following the election date – or, December 5.

The City Council is asked to confirm the Official Canvass of Returns of the November 7 Election by Resolution (draft enclosed in the agenda packet). When the final election results are received by staff, the Resolution will be updated with that information for adoption at the Council meeting.

Recommendation: Adopt Resolution Confirming the Official Canvass of Returns and Declaring the Results of the General Municipal Election held on November 7, 2006.\

VIII. SWEARING-IN CEREMONY FOR NEWLY ELECTED OFFICIALS

- **Councilmember Armando Gomez**
- **Councilmember Althea Polanski**
- **Mayor Jose Esteves**

There will be a break at this time for a reception and refreshments for the re-elected Mayor and Councilmembers. The Council will reconvene after the recess for continued business meeting.

IX. ELECTION OF VICE MAYOR

Recommendation: Mayor Esteves may recommend one of his colleagues to serve as Vice Mayor, and Council must vote affirmatively to select the new Vice Mayor for the term 2006-08.

XVI. PUBLIC HEARINGS

- 1. General Plan Amendment No. GP2005-2, Zone Change No. GP2005-2, Zone Change ZC2005-1, and Environmental Impact Assessment No. EA2006-9 (Staff Contact: Dennis Carrington, 586-3275)**

Background: On November 8, 2006, the Planning Commission approved "S" Zone Approval No. SZ2005-10, Use Permit No. UP2006-19 and recommended that the City Council approve General Plan Amendment No. GP2005-2, Zone Change No. ZC2005-1 and EA2006-9 for a mixed use commercial, dental office and residential project. The project is located at 1880 North Milpitas Boulevard at the northeast corner of Milpitas Boulevard and Dixon Road and is designated Retail Sub-Center on the General Plan and is zoned Neighborhood Commercial (C1) with an "S" Zone overlay. A 4,000 square foot retail building at this location sustained fire damage in November of 2004 and has been vacant since that time.

The applicant, Dr. Marlene Mao, is requesting a General Plan Amendment from Retail Sub-Center to Mixed Use and a zone change from C1-S to Mixed Use (MXD) to allow a 13,040 square foot three-story project with 2,835 square feet of retail on the first floor, a 4,650 square foot dental office on the second floor and three one-bedroom residential units on the third floor. The project is consistent with the Mixed Use designation of the Milpitas General Plan and the MXD zoning district development requirements. Additionally, according to Implementation Policy B-I-4 of the Housing Element, the properties located along the north side of Dixon Road between North Milpitas Boulevard

and Arizona Avenue are designated as marginal commercial areas to be rezoned from Neighborhood Commercial (C1) to Mixed-Use (MXD) to allow multi-family housing on these sites and allow most of the existing uses to remain as legal, non-conforming uses.

Issues:

Parking. The combined uses on the site require 35 parking spaces, only 31 spaces are shown on the development plans and therefore a parking modification is required. The City Principal Transportation Planner reviewed the project and prepared a parking analysis. Because of the mixed-use nature of the project, the parking demand for the different uses is expected to peak during different times of the day. The analysis indicates the parking demand will peak between 10:00 a.m. and 12:00 noon at 29 parking spaces, therefore the proposed supply of 31 parking spaces would be adequate for the peak parking demands of the project.

Neighborhood privacy. A property owner to the north of the project was concerned about a three-story building just to the south of his property and its impacts on his privacy. To address this concern, the Planning Commission applied a condition of approval requiring that windows on the north elevation of the structure be of view-obscuring glass.

Dental practice. Concerns were raised about the size of the dental lab and the number of dentists that would occupy the space. The Planning Commission applied a condition of approval that prior to approval of building permits, the applicant submit plans for the dental office and dental lab for review by Planning Commission prior to approval of the building permit to ensure that the dental office and dental lab do not overly impact parking on the site.

Environmental Review. An Initial Study and draft Negative Declaration (EA2006-9) determined that there would be no significant impacts related to this project. As conditioned, the proposed project is not anticipated to create any significant environmental impacts as defined by the California Environmental Quality Act (CEQA).

Recommendation: Adopt the initial Study and Draft Negative Declaration No. EA2006-9, approve General Plan Amendment No. GP2005-2 and introduce Ordinance No. 38.769 (first reading) for Zone Change No. ZC2005-1.

2. Major Vesting Tentative Map No. MA2006-4, Town Center (Staff Contact: Dennis Carrington, 586-3275)

Background: In March 2004, the City approved the redevelopment of the Town Center Shopping Center in the northeast area of North Milpitas Boulevard and Calaveras Boulevard. The redevelopment of the site included approval of a 65-unit multi-family residential development (SZ2003-13; EA2002-12) and Use Permit (UP2002-43) for the development at a density below 20 DU per acre and site improvements at the rear of the property. Subsequently, the Planning Commission approved a Tentative Map to subdivide the existing 22-acre parcel into 2 parcels for the purpose of separating the approved commercial and residential uses.

The approximately 4.80 acre site is located north of Town Center Shopping Center, off Town Center Drive (private), roughly bordered by Beresford Terrace to the northwest, Berryessa Creek to the north, and Mervyn's to the west. Surrounding land uses include commercial, office, restaurants, City facilities, and residential uses.

The applicant is proposing to subdivide the parcel to create sixty-five (65) individual town home units, with the remainder of the parcel designated as common area. As previously approved (SZ2003-13 in March, 2004), the town homes would to be located in building clusters of eight, with individual town homes approximately 1,233 square feet to 2,365 square feet in size. Each building cluster would be accessible from private drive courts located off the proposed private

streets, Shaughnessy Drive (the main loop road) and Belshaw Drive (the eastern access) with direct access to individual parking garages. Interior walkways will provide pedestrian access throughout the project site, as well as the Berryessa Creek Trail, recreation areas, and to off-site commercial areas. A public access connection to the Berryessa Creek Trail is proposed on the northwest and northeast portions of the parcel, with a public access walkway along the north perimeter of the common area.

Issues:

Conformity with the General Plan and Zoning Ordinance. The project is consistent with Implementing Policy 2.a-I-2 (promote in-fill development) in that this map will allow the development of residential units in an underutilized portion for the Town Center property. In addition, it is consistent with Policy 2.a-I-20 (develop the Town Center as a distinct mixed use project) in that the subdivision will allow the development of residential units, which will implement a mixed-use project at Town Center. The proposed Major Vesting Tentative Map will create 65 legal lots that will conform with the purpose and intent of the Town Center zoning district. The subdivision complies with the development standards of the Town Center zoning district.

Conformance with the Subdivision Map Act and the Subdivision Ordinance. With respect to approving the subject application, the Subdivision Map Act defers to local ordinance (Article 5, Section 66463). The City's Subdivision Ordinance requires design and improvement consistency with the General Plan.

Conformance with CEQA An Initial Study and Draft Mitigated Negative Declaration (EA2002-12) were prepared for the original Town Center Redevelopment project (SZ2003-12, SZ2003-13, and UP2002-43), which included the 65-unit town home residential development, and on March 24, 2004, the Planning Commission adopted the Mitigated Negative Declaration. Potential environmental impacts from the project included construction and project-related issues from noise, dust, and stormwater runoff. Mitigation measures for those potential environmental impacts were proposed that reduced the impacts to a level less than significant. Further discussion of other potential impacts and mitigation measures are included in Environmental Assessment No. EA2002-12.

Recommendation: Approve Major Tentative Map No. MA2006-4 pursuant to the findings provided to the Planning Commission on November 8, 2006.

XVII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor/Chair

RA2. Roll Call

RA3. Approval of Minutes (November 21, 2006)

RA4. Approval of Agenda and Consent Calendar

***RA5. Approve Change Order: Soil Remediation and Site Preparation, Project No. 8154 (Staff Contact: Jorge Bermudez, 586-3404)**

Background: On May 2nd, 2006, the City Council/RDA Board awarded a construction contract for this project to Clean Harbors Environmental. The project provided the removal of pesticide-contaminated soil in crawl-space areas of the school building and arsenic and lead contaminated soil from the northeast corner of the site that was formerly a petroleum-processing yard.

Additional soil must be removed from under the crawl space at the Grammar School to accommodate future structural concrete beams. Staff has negotiated a change order with the contractor for this work in the amount of \$29,000. The City Council approved an additional

Change Order Contingency. There are sufficient funds in the change order contingency, previously approved by City Council and in the project budget for this purpose.

Recommendation: Authorize staff to approve a change order to the Agreement with Clean Harbors Environmental in the amount of \$29,000, for removal and disposal of additional pesticide material under the crawl space at the grammar school site.

***RA6. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals: Midtown North Main Street Streetscape Improvement Project, Phase 1, Project No. 8165, (Staff Contact: Steve Erickson, 586-3414)**

Background: Plans and specifications for the subject project have been completed in accordance with the approved five-year Capital Improvement Program (CIP). The project provides for an all-new pedestrian friendly streetscape along North Main Street to support the new library and other Midtown improvements. This first phase of the project will provide new pavement lanes, wide sidewalks, attractive street furniture, traffic signals, and landscape improvements on North Main Street from Weller Lane to the 237 bridge.

The Engineer's Estimate for the work is approximately \$2,300,000.00, and funds are available in the project budget. A copy of the project plan title sheet is included in the Council's agenda packets. Complete plans and specifications are available for review in the office of the City Engineer.

Recommendation: Approve plans and specifications and authorize The Midtown North Main Street Streetscape Improvement Project advertisement for bid proposals.

RA7. Agency Adjournment

XVIII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

3. Discussion of Councilmembers' Workshop (Contact: Mayor Esteves, 586-3029)

Background: At the November 21, 2006 City Council meeting, Mayor Esteves requested that the Council discuss setting a meeting for a workshop for strategic planning and to establish goals, priorities and discuss issues and the budget. He further requested that staff provide a facilitator for this workshop.

Recommendations:

1. Set a date and time for the workshop.
2. Direct staff to provided a facilitator.

4. Approve Mayor's Recommendation for \$500 Donation to Christian Record Services for support for Camp for Blind Children (Contact: Mayor Esteves, 586-3029)

Background: Mayor Esteves received a request for a donation from Christian Record Services, a non-profit organization based in Lincoln, NE. It operates summer and winter camping programs for blind children, including many in California.

Mayor Esteves received an e-mail from Mr. Ely Eborá requesting funds to support the camp. Mr. Eborá stated that 3% of camp attendees were from Milpitas.

City Council is requested to consider the Mayor's recommendation to support this program. Funding would be approved from the Community Promotions Unallocated budget line item. Current balance in that fund is \$3,740.

Recommendation: Approve the Mayor's recommendation of a \$500 donation to Christian Record Services camp for blind children.

5. Status Report on Alviso Adobe (Contact: Councilmember Livengood, 586-3000)

Background: Councilmember Livengood requested that the City Council receive a report from City staff on the status of the Alviso Adobe structure in Milpitas.

Recommendation: Hear oral report from Engineering staff at the Council meeting.

Arts Commission

*** 6. Approve Cultural Arts Support Program Changes (Staff Contact: Renee Lorentzen, 586-3286)**

Background: At the June 26, 2006, Arts Commission meeting, the Arts Commission reviewed the 2006-07 Cultural Arts Support Program Grant (CASP) applications. At this meeting, the Commission expressed that they would like to see changes made to CASP to attract new groups to Milpitas and to see new programs from returning applicants. Staff met with the CASP Subcommittee on October 16, 2006, after drafting new grant program applications in response to the Commission's requested changes. The Subcommittee gave the grant program a new name and helped to identify new goals and areas of funding. At the October 23, 2006, Arts Commission meeting, the Arts Commission made a recommendation for City Council approval, of the new Milpitas Arts and Culture Grant Program, Organization and Artist Applications.

Main changes to the grant program include:

- Identification of Goals
- Identification of Areas of Support
- Eligibility
- Funding allotment for first-time applicants

Included in the City Council's packet are copies of the proposed new Milpitas Arts and Culture Grant Program applications and a Milpitas Arts and Culture Grant Program Change Outline for reference.

Recommendation: Approve the proposed changes to the Cultural Arts Support Program to become the new Milpitas Arts and Culture Grant Program, effective for the 2007-08 funding cycle.

Facilities Naming Subcommittee

*** 7. Approve Recommendation from the Facilities Naming Subcommittee to Add a Veteran Name to the Potential Streets Names List (Staff Contact: Mark Rogge, 586-3403)**

Background:

Ms. Kristine Mihalakis Flores submitted a letter of request to the Facilities Naming Subcommittee, nominating Michael Mihalakis. A copy of the letter is included in the Council packet.

Mr. Mihalakis served in the US Marines fresh out of high school and arrived in Iraq in the spring of 2003. Mr. Mihalakis felt compassionate with the Iraqi children as he often offered them food and water during patrol of the streets of Baghdad. Two days before he was scheduled to come home, his parents received news that Michael Mihalakis was killed in a non-combat related accident. He was only 18 years old and became the only Milpitan to die serving his country since the Vietnam War. His name was added to the Veterans' Memorial Plaque. The Subcommittee recommended that Mr. Mihalakis's name be added to the list of potential streets names.

Recommendation: Approve adding Mr. Michael Mihalakis's name to the Potential Streets Names List.

Sister Cities Commission

- * **8. Approve Revisions to Sister Cities Commission Bylaws to Clarify Commissioner Responsibilities (Staff Contact: Cindy Maxwell, 586-3287)**

Background: On October 26, 2006, the Sister Cities Commission recommended the City Council approve a bylaws revision to clarify the special responsibilities of commission members to support Milpitas' sister city programs. The existing Bylaws text would not be changed except to add the following new language:

1) Under "Section 1 Purpose":

"Commissioners are expected to volunteer time to participate in Sister City events and projects outside the regular meetings."

2) Under "Section 9 Duties of Commission to be Advisory Only":

"Commissioners are also expected to actively participate in Sister City events and projects in addition to attending the regular meetings. When considering reappointments of Commission members, the City Council may review the member's service record on Commission activities and projects. At a minimum, Commissioners' should annually work on and attend at least two Sister City events and actively serve on at least one subcommittee."

Recommendation: Approve the revisions to the Sister Cities Commission bylaws, as recommended by the Commission.

Transportation Subcommittee

- * **9. Direct Staff to Study Carlo Street Reopening at Abel Street and Calaveras Boulevard (Staff Contact: Jaime Rodriguez, 586-3335)**

Background:

During the November 7, 2006 City Council meeting, staff was directed to report on the intersection of Abel St. and Calaveras Blvd. to determine if Carlo St, which previously provided direct access to the Midtown District from eastbound Calaveras Blvd, could be reopened.

The Carlo Street entrance from Abel St. and Calaveras Blvd. was closed in June 2005 as recommended in the Midtown Environmental Impact Report (EIR) as a traffic mitigation to restore deterioration in the intersection Level of Service (LOS) from a LOS "F" to a LOS "D" with the build-out of Midtown. Since the closure, the Abel St. and Calaveras Blvd. has seen a substantial decrease in crashes.

Staff recommends that City pursue discussions with the California – Department of Transportation, Caltrans, to convert the Carlo St. On-Ramp to eastbound Calaveras Blvd to an Off-ramp. The Off-ramp conversion will provide direct access to Midtown while maintaining safety improvements at the Abel St. and Calaveras Blvd. intersection. Staff will also discuss the option of reopening Carlo Street in the Abel Street and Calaveras Blvd. intersections.

Conversion of the Off-Ramp or reopening of Carlo Street requires Caltrans approval. Staff recommends contacting Caltrans to determine if further studies are feasible prior to the preparation of costly studies. Additional information and renderings of what the Off-ramp may look like are included in the attached Technical Memorandum.

Recommendation: Direct staff to study Carlo Street reopening at Abel Street and Calaveras Boulevard.

XIX. NEW BUSINESS

10. Receive Preschool Program Update, Programming Options and Provide Staff Direction (Staff Contact: Bonnie Greiner, 586-3227)

Background: The City of Milpitas Preschool Program has been experiencing staffing shortages since April 2006, which has threatened the cancellation of the 20 year program, potentially impacting 132 children. Open recruitment has been on going for seven months, with minimal qualified applicants submitting employment applications. Staff has made every effort to backfill the vacant preschool positions with Recreation Services customer service and facility attendant staff while continuing to recruit for four vacant positions. Without qualified instructors, the integrity and quality of the Preschool Program has been in jeopardy.

Due to the lack of interest in the positions, Human Resources conducted a salary survey of surrounding city's compensation ranges for preschool teachers. The results of the survey concluded that Milpitas' pay rates are not competitive. In an effort to attract experienced and qualified applicants, staff presented the challenge of filling the staffing vacancies to the Finance Subcommittee at their November 15, 2006, meeting. The Subcommittee supported the recommendation to create new temporary Preschool Teacher and Teacher Aide positions with salary ranges of \$12.77-\$17.11 and \$9.04-\$11.53, and also directed staff to present to the City Council a preschool program overview, so that the community need could be determined.

Regardless of the outcome, the Milpitas Preschool Program cannot endure the loss of another instructor, which will occur on January 1, 2007, due to the 1,000 hours PERS rule. Due to the loss of this employee who was teaching multiple classes, the closure of the Preschool Program is necessary as of January 1, 2007.

Staff will provide an oral presentation identifying the City's ongoing commitment to supporting youth and family programs and services, the current state of the Milpitas Preschool Program and preschool program options to be considered for fiscal year 2007/2008.

Recommendation: Receive Preschool Program Update, Programming Options and Provide Staff Direction.

*** 11. Approval of New Banner Program Installation in January 2007 (Staff Contact: Diana Whitecar, 586-3059)**

Background: On June 20, 2006, City Council approved a citywide banner policy and new banner program. As part of the report, staff noted that Public Works crews scheduled banner "change-outs" as part of their annual work program and believed they could accommodate the installation of new hardware and the new banners without significantly impacting their work program.

Fabrication and installation of the banners were delayed in order to coincide with the installation of the City's "Welcome to Milpitas" airport signage in late December. One of the impacts of this delay is that banner installation will now occur in early January and it will likely have more dramatic impact on the Public Works winter work program. Staff requested a proposal from the banner vendor, Sierra Display, for the one-time installation of 223 banners (includes take-down of existing holiday banners) and 116 new hardware sets. Sierra Display can complete the "change-outs" and new installations in approximately six days as opposed to three weeks for city crews, even if they are unencumbered by other weather related work demands.

Sierra Display submitted a cost of \$10,300 for the installation of the new banners, new hardware and removal of the holiday banners. Sierra Display will return the holiday banners to the City for

storage. This cost would be shared as outlined below and is being presented to the City Council for action, as it is a change from the previous staff recommendation regarding installation.

Total amount of the Sierra Display contract for the fabrication of banners and hardware previously awarded to Sierra Display was \$47,522.35. With the installation services, the total amount to be paid to Sierra Display is \$57,822.35.

Recommendation: Approve an additional expenditure of up to \$10,300 to Sierra Display for the installation of 223 banners, 116 new hardware sets and the removal of the holiday banners. Sufficient funding exists in current year operating budgets as follows: Economic Development (\$5,500), Recycling Grant, Transportation, and Recreation (\$1,600 each).

*** 12. Approve Budget Appropriation to the Santa Clara County Partnership for School Readiness (Staff Contact: Toby Librande, 586-3203)**

Background:

At the November 15, 2006, Finance Subcommittee meeting, Co-Chair Lori Burns from the Santa Clara County Partnership for School Readiness, United Way requested that the City of Milpitas continue its support of the Partnership's Kindergarten Assessment Projects by contributing \$1,000 towards the Fall 2006 Assessment. The Subcommittee supported the contribution and recommended the \$1,000 contribution for the City Council's approval.

The Santa Clara County Partnership for School Readiness is comprised of many diverse organizations across the county and strives to advance school readiness and success for all children through age eight in the County. A complete list of member organizations is attached to the letter enclosed in the Council packets. To date, the Partnership has overseen a mapping project, defined School Readiness, conducted two consecutive years of the Santa Clara County School Readiness Assessment Project, and is currently implementing the third year of the Assessment.

The City of Milpitas' \$1,000 contribution in 2004 helped the Santa Clara County Partnership for School Readiness accomplish their goals for the first year Assessment. Enclosed in the Council's packet is the Executive Summary for the second year of the Assessment Project, "*Are Children Ready for School*" 2005. The full report is available upon request from staff and in pdf format at <http://www.uwsv.org/kindergarten/RKSFinalReport.pdf>.

The City of Milpitas' continued support will permit the Santa Clara County Partnership for School Readiness to build upon the first years data to enrich the value and comprehension of the factors which contribute to children's school success – important work which will ultimately contribute to the long term success of the children in Milpitas and the county.

Funds are recommended from the City Council Community Promotions unallocated budget. If this item and Agenda Item No. 4 are approved, the balance for that fund will be \$2,240.

Recommendation: Accept the Finance Subcommittee's recommendation to approve the \$1,000 contribution from the Council's Community Promotions Budget towards the Santa Clara County Partnership for School Readiness' 2006 Assessment Project.

XX. RESOLUTIONS

13. Adopt Resolution Approving the Memorandum of Understanding with Milpitas Professional And Technical Group (ProTech) (Staff Contact: Carmen Valdez, 586-3086)

Background: The most recent Memorandum of Understanding with the Milpitas Professional and Technical Group (ProTech) expired June 30, 2005. City representatives and representatives from ProTech met and conferred in good faith to negotiate a new contract. Agreement has been

reached with a new successor Memorandum of Understanding with effective dates of July 1, 2005 to June 30, 2008, which is included in the Council's agenda packet.

Recommendation: Adopt a resolution approving the Memorandum of Understanding with the Milpitas Professional and Technical Group (ProTech) covering the period of July 1, 2005 through June 30, 2008.

- * 14. **Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for January 2, 2007, to Hear Objections (Staff Contact: Patti Joki, 586-3370)**

Background: The Santa Clara County Agricultural Commissioner has notified the City that it is commencing its Hazardous Vegetation Abatement (weed abatement) program for the forthcoming season. The County has requested the City adopt a resolution declaring weeds to be a public nuisance and to schedule a public hearing to hear objections to the proposed destruction or removal of weeds. A resolution, declaring weeds on specific properties to be a public nuisance, is adopted by the Council each year and gives affected property owners an opportunity to appear before the Council. The public hearing will be scheduled for January 2, 2007.

Recommendation: Adopt Resolution declaring weeds on specific properties to be a public nuisance and to set a public hearing for January 2, 2007.

XXI. BIDS AND CONTRACTS

- * 15. **Reject Low Bid and Award Construction Contract to Second Responsible Bid From Anderson Pacific Engineering Construction, Inc., for the Main Sewage Pump Station, Project No. 6103 (Staff Contact: Greg Armendariz, 586-3317)**

Background:

On September 21, 2006, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals. The project provides for construction of a new underground wet well with submersible pumps and inline grinders, and a new control building with electrical room, site grading, drainage improvements and lighting. The work will include concrete work, asphalt paving, electrical, mechanical, and piping. The Engineer's estimate for the work was between \$8 and \$9 million dollars. Two pre-bid meetings were scheduled in October.

The project was advertised and bids were received at the bid opening on November 15, 2006. Six bid proposals were received, ranging from \$8,469,396.00 to \$13,296,389.38 (includes alternate #1 and #2). The lowest bid from Proven Management was found to be non-responsive and not responsible. Staff recommends award to the second lowest bid from Anderson Pacific Engineering Construction, Inc. for a total of \$8,602,991.50, which includes bid alternates #1 and #2. There are sufficient funds in the project budget to cover these costs.

Recommendations:

1. Authorize the City Manager/Agency Director to award and execute the construction contract for Main Sewer Pump Station, to the second lowest responsible bidder, Anderson Pacific Engineering Construction, Inc. in the amount of \$8,291,396.00, subject to review by the City Attorney.
2. Award the two bid alternates: #1 Demolition of existing pump station in the amount of \$40,000, and #2 Pre-Engineered Metal Garage Building in the amount of \$138,000.

XXII. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, DECEMBER 19, 2006, AT 7:00 P.M.**